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HOUSE BILL 608

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO FOSTER FAMILIES; SUBSIDIZING MUSEUM AND STATE PARK  
ADMISSIONS FOR A PERSON WHO IS A FOSTER PARENT OR FOSTER CHILD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Children's Code is  
enacted to read:

"~~[NEW MATERIAL]~~ SUPPORT FOR FOSTER CHILD RECREATION.--A  
foster parent or foster child shall be admitted at no cost to  
museums and monuments within the cultural affairs department  
and to state parks upon providing a foster identification card  
issued by the children, youth and families department."

Section 2. A new section of the Children's Code is  
enacted to read:

"~~[NEW MATERIAL]~~ IDENTIFICATION FOR A FOSTER PARENT AND  
CHILD.--The department shall provide by rule for issuance of a

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1 foster identification card for a foster parent and foster  
2 child, provided that the department shall verify that the  
3 persons are in the foster program."

4 Section 3. Section 9-4A-6 NMSA 1978 (being Laws 2004,  
5 Chapter 25, Section 6) is amended to read:

6 "9-4A-6. SECRETARY--DUTIES AND GENERAL POWERS.--

7 A. The secretary is responsible to the governor for  
8 the operation of the department. It is the secretary's duty to  
9 manage all operations of the department and to administer and  
10 enforce the laws with which [~~he~~] the secretary or the  
11 department is charged.

12 B. To perform the secretary's duties, the secretary  
13 has every power expressly enumerated in the laws, whether  
14 granted to the secretary [~~of~~] or the department, or any  
15 division of the department, except where authority conferred  
16 upon any division therein is explicitly exempted from the  
17 secretary's authority by statute. In accordance with these  
18 provisions, the secretary shall:

19 (1) except as otherwise provided in the  
20 Cultural Affairs Department Act, exercise general supervisory  
21 and appointing authority over all department employees, subject  
22 to any applicable personnel laws and rules;

23 (2) delegate authority to subordinates as the  
24 secretary deems necessary and appropriate, clearly delineating  
25 such delegated authority and the limitations thereto;

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1 (3) organize the department into those  
2 organizational units the secretary deems will enable it to  
3 function most efficiently, subject to any provisions of law  
4 requiring or establishing specific organizational units;

5 (4) within the limitations of available  
6 appropriations and applicable laws, employ and fix the  
7 compensation of those persons necessary to discharge the  
8 secretary's duties;

9 (5) take administrative action by issuing  
10 orders and instructions, not inconsistent with the law, to  
11 ensure implementation of and compliance with the provisions of  
12 law for whose administration or execution the secretary is  
13 responsible, and to enforce those orders and instructions by  
14 appropriate administrative action or actions in the courts;

15 (6) conduct research and studies that will  
16 improve the operations of the department and the provision of  
17 services to the citizens of the state;

18 (7) provide courses of instruction and  
19 practical training for employees of the department and other  
20 persons involved in the administration of programs with the  
21 objective of improving the operations and efficiency of the  
22 administration;

23 (8) prepare an annual budget of the  
24 department;

25 (9) provide cooperation, at the request of

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1 heads of administratively attached agencies, in order to:

2 (a) minimize or eliminate duplication of  
3 services and jurisdictional conflicts;

4 (b) coordinate activities and resolve  
5 problems of mutual concern; and

6 (c) resolve by agreement the manner and  
7 extent to which the department shall provide budgeting,  
8 recordkeeping and related clerical assistance to  
9 administratively attached agencies; and

10 (10) appoint, with the governor's consent, for  
11 each division, a "director". These appointed positions are  
12 exempt from the provisions of the Personnel Act. Persons  
13 appointed to these positions shall serve at the pleasure of the  
14 secretary.

15 C. The secretary may apply for and receive, with  
16 the governor's approval, in the name of the department, any  
17 public or private funds, including United States government  
18 funds, available to the department to carry out its programs,  
19 duties or services.

20 D. Where functions of departments overlap, or a  
21 function assigned to one department could better be performed  
22 by another department, a secretary may recommend appropriate  
23 legislation to the next session of the legislature for its  
24 approval.

25 E. The secretary shall ensure that museums and

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1 monuments in the cultural affairs department admit a foster  
2 parent and foster child without payment or fees, provided that  
3 the foster parent attends with the foster child and presents a  
4 foster identification card issued by the children, youth and  
5 families department.

6 [E.] F. The secretary may make and adopt such  
7 reasonable procedural rules as may be necessary to carry out  
8 the duties of the department and its divisions. A rule  
9 promulgated by the director of a division in carrying out the  
10 functions and duties of the division shall not be effective  
11 until approved by the secretary. Unless otherwise provided by  
12 statute, a rule affecting a person or agency outside the  
13 department shall not be adopted, amended or repealed without a  
14 public hearing on the proposed action before the secretary or a  
15 hearing officer designated by ~~him~~ the secretary. The public  
16 hearing shall be held in Santa Fe unless otherwise permitted by  
17 statute. Notice of the subject matter of the rule, the action  
18 proposed to be taken, the time and place of the hearing, the  
19 manner in which interested persons may present their views and  
20 the method by which copies of the proposed rule, proposed  
21 amendment or repeal of an existing rule may be obtained shall  
22 be published once at least thirty days prior to the hearing  
23 date in a newspaper of general circulation and mailed at least  
24 thirty days prior to the hearing date to all persons who have  
25 made a written request for advance notice of hearing. All

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1 rules shall be filed in accordance with the State Rules Act."

2 Section 4. Section 16-2-7 NMSA 1978 (being Laws 1935,  
3 Chapter 57, Section 7, as amended) is amended to read:

4 "16-2-7. RULES [~~AND REGULATIONS~~].--The secretary shall  
5 promulgate and adopt rules for each park as circumstances may  
6 demand to the end that each state park may be made as nearly  
7 self-supporting as possible, provided that the secretary shall  
8 not require a foster parent attending a state park with a  
9 foster child to pay a fee upon presentation of a foster  
10 identification card issued by the children, youth and families  
11 department. The secretary shall also adopt rules to regulate  
12 the construction and maintenance of boat docks for a lake that  
13 is a part of a state park."